

ORDINANCE #2009-04

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA
PROVIDING FOR THE OPERATION OF
OFF-ROAD VEHICLES ON CERTAIN COUNTY HIGHWAYS**

WHEREAS, I.C. 14-16-1-22 allows a county to pass an ordinance regulating the operation of off-road vehicles if the ordinance meets substantially the minimum requirements of I.C. 14-16-1; and

WHEREAS, the Board of Commissioners of Warrick County, Indiana desires to permit and regulate the operation of off-road vehicles on certain roads and highways in the county road system outside of the corporate limits of a city or town.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WARRICK, STATE OF INDIANA:**

SECTION 1: Definition of "off road vehicle":

(a) "Off-road vehicle", for purposes of IC 14-16-1 means a motor driven vehicle of at least four wheels capable of cross-country travel:

(1) without benefit of a road; and

(2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term "off road vehicle" does not include a snowmobile, any other vehicle properly registered by the bureau of motor vehicles, any watercraft that is registered under Indiana statutes, or a golf cart vehicle.

SECTION 2: Definition of ATV Roads.

"ATV Roads" shall mean all county roads and highways outside of any town or city, except Restricted Roads. "Restricted Roads" shall mean:

A. Those roads and highways in the following described area of the County:

Starting the Point of Beginning, being a point at the southwestern corner of Warrick County, which is a point formed by the intersection of the Ohio River and the western boundary of the County; then running in a northerly direction along the western border of Warrick County to State Road 62; then running east

along State Road 62 to State Road 61; then running south along State Road 61 to State Road 66, and then directly south to the Ohio River; then running in a westerly direction along the Ohio River to the Point of Beginning.

- B. Yankeetown Road from the Boonville City limits to State Road 66.
- C. Any road or highway posted by the Board of Commissioners or its designee for non-use by off-road vehicles.

SECTION 3: Definition of Operator. An "Operator" of an off-road vehicle must be at least 18 years of age and possess a valid driver's license pursuant to IC 14-16-1-20(c).

SECTION 4: Use and operation of off-road vehicles on county roads and highways.

- A. "Operators" of "off-road vehicles" may use "ATV Roads", as those terms are defined herein, subject to the terms and conditions of this ordinance.
- B. "Off road vehicles" may not be operated on "Restricted Roads," except that farmers may operate off-road vehicles, for farm production purposes, on ATV Roads or Restricted Roads.

SECTION 5: Registration requirements. Off-road vehicles must be registered under I.C. 14-16-1-8, as amended.

SECTION 6: Headlights, taillights, brakes and pennant. The off-road vehicle must meet those standards of headlights, taillights, and brakes required under I.C. 14-16-1-21. In addition, the off-road vehicle operated on a county roadway or highway pursuant to this ordinance must have an orange pennant or flag at least twelve (12) inches but not more than twenty-four (24) inches long, affixed to a staff or pole measuring at least four (4) feet but not more than ten (10) feet in height. The pole or staff height shall be measured from the top of the seat.

SECTION 7: Statutory restrictions on use. Nothing in this Ordinance modifies, alters or changes the restrictions on operation established under I.C. 14-16-1-23.

SECTION 8: Duties in event of Accident. Nothing in this Ordinance modifies, alters or changes the duties under I.C. 14-16-1-24 placed on the Operator of an off-road vehicle in the event of an accident.

SECTION 9: Liability insurance. An Operator operating an off-road vehicle on a county highway or roadway shall have liability insurance specifically for such off-road vehicle in accordance with the minimum insurance required for the operation of other motor vehicles on public highways, in the minimum amount of \$25,000 per person/\$50,000 per accident.

SECTION 10: Possession of registration and certificate of insurance. Any operator of an off-road vehicle shall carry on his or her person any registration required under I.C. 14-16-

1 and the certificate of insurance required under this Ordinance for the off-road vehicle being operated.

SECTION 11: Restriction on operation between 10:00 p.m. and 6:00 a.m. In furtherance of the restriction established under I.C. 14-16-1-23(a)(7) prohibiting the operation of off-road vehicles within 100 feet of a dwelling between midnight and 6:00 a.m., an off-road vehicle may not be operated on any county roads or highways, outside the corporate limits of any town or city, between 10:00 p.m. and 6:00 a.m.

SECTION 12: Other laws and regulations: Nothing in this Ordinance modifies, alters or changes the requirements of the operation of vehicles on public roadways in Indiana, and all Operators of off-road vehicles must obey and follow all rules and regulations applicable to the operation of vehicles on roadways in Indiana.

SECTION 13: Disturbance of roadway. No person shall operate an off-road vehicle on Warrick County Highways in such a manner which causes damage to the roadway or highway or disturbs the surface of the roadway or highway. Any violator of this Section, in addition to such penalties set forth in Section 15 below, shall be responsible for all costs of repair of such damage or disturbance.

SECTION 14: Emergencies. Any county or state law enforcement officer may prohibit operation of an off-road vehicle on a county highway or roadway during emergencies.

SECTION 15: Penalty.

- a. Any person who violates any provision of this order shall be deemed guilty of a violation and, upon conviction, shall be fined pursuant to the following schedule:
 - i. First offense in a calendar year: \$50.
 - ii. Second offense in a calendar year: \$100.
 - iii. Third offense in a calendar year: \$150.
- b. Each day that a violation occurs constitutes a separate offense.

SECTION 16: Enforcement. All law enforcement officers in this county shall have the power and it shall be their duty to enforce the provisions of this Ordinance unless otherwise prevented by State statutes regarding the enforcement of State laws.

SECTION 17: Repeal of inconsistent ordinances. All ordinances or parts of Ordinances in conflict herewith are repealed.

SECTION 18: Severability. If any section, paragraph, sentence, clause or phrase in this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected by such declaration and shall remain in full force and effect.

An Ordinance of the Board of Commissioners
Of Warrick County, Indiana
Operation of Off-Road Vehicles

SECTION 19: Effective date. This Ordinance shall be in full force and effect from and after its publication as required by law.

SO ORDAINED THIS 18 day of May, 2009.

BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA

By: Don Williams
Don Williams, President

By: _____
Arthur Noffsinger, Vice-President

By: Tim Mosbey
Timothy Mosbey, Commissioner

ATTEST:

Lawrence C. Lacer
Lawrence C. Lacer, Auditor,
Warrick County, Indiana

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